

MEMORANDUM

Agenda Item No. 11(A)(20)

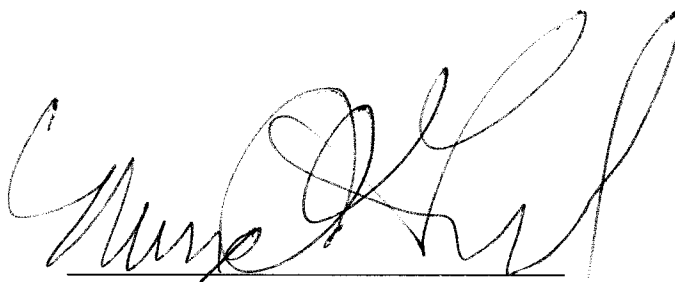
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 6, 2005

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution relating to
removing time limits for
filing post-sentencing DNA
testing

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Katy Sorenson and Commissioner Sally A. Heyman.



Murray A. Greenberg
County Attorney

MAG/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 6, 2005

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 11(A)(20)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(20)
12-6-05

RESOLUTION NO. _____

**RESOLUTION URGING THE FLORIDA LEGISLATURE TO
PASS LEGISLATION REMOVING THE TIME LIMITS FOR
FILING POST-SENTENCING DNA TESTING, EXTENDING
TIME PERIODS FOR THE PRESERVATION OF PHYSICAL
EVIDENCE, AND PROVIDING FOR RETROACTIVE
APPLICATION OF POST-SENTENCING DNA TESTING**

WHEREAS, many Florida prisoners were convicted before DNA
evidence was routinely tested; and

WHEREAS, there is currently an October 1, 2005 deadline for filing post-sentencing
DNA testing; and

WHEREAS, after the October 1, 2005 deadline, these prisoners will not be allowed to
submit claims to obtain DNA testing of the evidence used in their conviction; and

WHEREAS, almost 700 Florida prisoners have applications that are currently backed up
in an overloaded system and may not meet the deadline, even though they have already been
filed; and

WHEREAS, new DNA testing may determine that some of these prisoners were
wrongly convicted; and

WHEREAS, the existence of an effective post-conviction DNA statute will make Florida
eligible for federal aid under legislation President Bush signed in 2004; and

WHEREAS, bills have been filed for the 2006 legislative session that would remove the
time limit for filing petitions for post-sentencing DNA testing, including SB 186 by Senator Alex
Villalobos, HB 61 by Representative Ellyn Bogdanoff, and HB 71 by Representative Phillip
Brutus,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

Section 1. Urges Florida Legislature to pass legislation removing time limits for filing petitions for post-sentencing DNA testing, extending time periods for the preservation of physical evidence, and providing for retroactive application of post-sentencing DNA testing.

Section 2. The Clerk of the Board is directed to transmit a certified copy of this resolution to the Chair and members of the Miami- Dade County State Legislative Delegation.

Section 3. This Board directs the County's state lobbyists to advocate against the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2006 State Legislative Package.

The foregoing resolution was sponsored by Commissioner Katy Sorenson and Commissioner Sally A. Heyman and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Dr. Barbara Carey-Shuler
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of December, 2005. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JMM

Jess M. McCarty

4